

24 170 The forme of the abstinence, grantit be my

Lord Regentis Grace, and Lordis subscriuand with him, to the Lordis within the Castell
and Toun of Edinburgh, and their adherents.



¶ The Nobill men of the Realme of Scotland vnder subscriuand, followand the instance and exhortation that the Ambassadors, of þe maist Christian Kyng of France, and the Quenes Maiestie of Ingland, makis vnto vs, for oure selues oure assistaris partakers & sic as dependis on vs, be þe heirof sweris, & promissis ane abstinence, and cessation frome hostilitie betwix vs, and oure aduersaris that presently be in armes aganis vs, their assisters, partakers, and sic as dependis on thaim, to begyn this present day ad till indure quhill twa monethis be fully owtun, During the quhillis we oblie to a promiss that all hostilitie and suretie the said abstinence, frome weir & cessation frome hostilitie fall continew. And sone as may be that þe hostilitie and estatis of the Realme, fall be assembled for to aduise be their meanes, to randre þe Realme peaceable & establis a gude ad generall peace quhillis with their companyis salbe in full suretie in their cuning to þe place remaining of returning thairfra, during the said space of twa monethis. And that sa haly a work be nocht retardit we accorde that during the trewis, ad abstinence, twa, thre, four or fyue, ma or fewar of ather partie may communicat togidder in all suretie in the place as salbe agreeit vpon, to oppin by the meanis for þe maist facill attaining to a gude pear, and gif it chance (quhill God forbid) þe at the assemble of the said Nobilitie, & estatis, the said pear & reconciliation, may nocht be concludit. We be the tennour heirof for oure part, referris the differences betwix vs & oure saidis aduersaris, all weill of the abstinence as of the pear, to the arbitramēt of þe said maist Christian Kyng of France, and Quenes maiestie of Ingland, And promissis faithfullie apou oure honours, to accept ad hald the conditionis, concerning the pear & abstinence, quhillis their Maiesties fall propone vnto vs. Prouiding that the abstinence or patification that may follow thairupon on natyve twitche the Kyng oure souerane Lord or his estat to the preiudice thair of. And that the personis herefter exceptit be subiect to the iudgemēt & execution of the Law, the said Abstinence nochtwithstanding thay ar to say James sometyne Erie Bothwell, James Omylston sometyne of that ilk, Patrik Hepburn sumetyne of Beinston, Patrik Wilson, sumtyme seruant to the said Erl. James Hamilton sumtyme of Bothwell hauch, Johne Hamilton sumtyme Prouest of Bothwell his Brother, with the haill theuis, & broken men, inhabitants of the Bordours & hielandis disturbers of the publick pear, betwix this Realme and Ingland, & oppressours of þe peccable subiects of this Realme, Prouiding alwayes that in mony of the saidis Bordourars or hielandmen, as hes cane part in any of the parties, be not during the Abstinence perswair for things bypast, & of it, thay haue done at the comandement of ather partie. Seing it is not merit that any of thair faultes salbe couerit, Bot onlie sic as haue bene directlie done in the querrell of ather party. Gif during the abstinence, thay do wrong to any man, it is accordit that for the same thay be punisht, as apertenis. And na impunitie is socht for thair attemptatis committit aganis Ingland, Bot it is vnderstand þe thay salbe answerable for the same, conforme to the Lawes of the Bordours. And to þe end þe the subiects, of this Realme, may find thaim selfis presently sumthing dischargit of the burding of the weir, and may with the greater desire, embrace þe pear, quhen it fall pleis God to send it, we agree that induring the said abstinence, all the subiects of this Realme, of quhatsumeuer qualitie or condition thay be of (except before exceptit) may felie & liberealle traffique haue, with, & conuers togidder, ouer all the parts of this Realme, in troubleit, molestit, or impeschit, ather in body, gude, be worde, or deid, in the Law, or besydes the Law, for thingis past. And tak oure said aduersaris, now being armes aganis vs, their assisters, partakers, & sic as dependis on thaim mutuallie in oure protection, maintaining, & conforting togidder faithfullie, and another, aganis all þe Iniurie þe may be done be vs, or any that we promiss for, or be any of thaim that ar ennemis to the pear. We are ouer to mak the meanes of the pear þe maist facill, and that be their familiar communication, and conuersation, þe parties of thaim that able hes bene offendit, may be mollisht, and induct to forget thingis þe ar past, be conference to be had with some of oure aduersaris, and thairefter acknowlege that we ar all membrys of one body, being of one cuntry, & naturall Scottismen, the communication and conuersation, fall on no wayis be forbyddin be vs to thaim, Bot permittit in all libertie ouer all places, Tounis & Boumes, quhatreuer it may be. Prouiding that the town of Edinburgh, be presentlie & first of all set at sic libertie as it wes in before the King oure souerane Lordis gude cheir, & lair Regent, departit furth of the same, vpon the xxvii. day of Januare. 1570. And the Castell thair of, to be helpit in na greater garnison, nor it was at that tyme, as allwa all the ether Tounis, of this Realme, presentlie be set at the like libertie, ad maist part, twa þe na place thair of, salbe whaldin, fortificit or garnysht, & salping þe Castellis & fortressis, þe of all antiquitie, and before this troubleis hes bene accustomed, to befortificit, and gardit, & that be this meane, all men or their seruandis, about set of men of weir, or violence may frely enter & dwell in thair awin housis, as fall please thaim, induring þe said trewis and abstinence. And forsamkele as mony persons in this Realme, hes induring this troubleis seast thaim selfis in other menis landis, quhatreuer thair is presentlie fructis, that may be collectit, ad woun, induring the said abstinence, of the quhill debait may follow that may stop or hindre þe gude and haly effect þe is to be hoipit of the said pear. We thairfore accord ad agree þe thay quhillis hes the saids Landis, fall nocht preas to lift the saids fructis, and speciallie the Cornes, bot fall leif the same stakkit in help vpon the feilds, or in grange, butyrchit or disposit vpon any way, quhill the end of þe said abstinence. And for obseruation and fulfilling, of all this abone specifit, we oblie vs, vpon oure faithis honours, & be oure solemnit aithis & that we fall gar the haill be helpit be oure selfis oure adherents, & partakers in vs. In witness heirof we haue subscriuit this presentis with oure hands at Leith, the penult day of July. The yere of God. M. D. LXXij.

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Cum priuilegio Regis.

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A trew copie of the mutuall band betuix the castell

and toun of Edinburgh, contractit in the obedience of the Kingis Majestie our Souerane Lord, publishit that all men may the better persuaue how the Laird of Grange, aganis his faith, honour and promise, is and hes bene, the instrument and occasion, of the present unquietnes and bypast vastation of the toun, to the suppressing of the exercise of Goddis trew Religioun, the hinderance of Justice and Justice, and calamitie of the haill common wealth.

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At Edinburgh the vij. day of May, the year of God one thousand fyue hundredeth, thre scoir and aucht zeiris. It is appointit, agreeit, and finally contractit and boundin by, betuix the right honorabill schir William Kirkcaldie of Grange knight Capitane of the castell of Edinburgh, for him self, kin, freindis, seruandis, assistaris and partakaris on that one part. And the right honorabill Symon Preston of Craigmillar of that ilk knight, Provost of the Burgh of Edinburgh, for him self, the Bailles, counsal, Communitie and haill Inhabitantis of the said Burgh on the vther part: in maner soyme and effect as efter followis. That is to say, Forsamekle as it is not unbeknown to thame, how that the Quene our Soueranes Dearest Mother with certane of the Nobilitie, hir assistaris and partakaris, seikis be all meanis, force and power thay may, to depois our said Souerane of his Authoritie Royall: and for maie haistie performing thair of an alreddy conuenit in armes, for the Inuasioun of our said maist vndoutit Soueranes Regent, and Gouvernour, James Erie of Murray, &c. and all vtheris his partakaris and assistaris, townis, castellis, cieteris, and haill liegis of this Realme: quhilis will not obey and assist thame in thair vnnaturall and vngodly proceedingis. For eschewing quhair of, certification, mantening and defending of our said vndoutit Souerane, now in his tender age, and his Regent soirsaid. The saidis Capitane and Provost for thame selfis, and takand the burdene vpon thame, for the vtheris abone writtin according to thair boundin dewtie and aith of fidelitie, gevin to thair maist vndoutit and natiue Souerane, for maintenance of him and his authoritie Royall, at bundin, oblist and swozne, be the faith and treuth in thair bodpis, lyke as be thir presentis thay bind, oblist and sweirts be thair greit aithis, in all tymes clyming, to tak afield, trew, and plane part togidder for the defence of our said Souerane, his Authoritie and person Royall. And either of thame, with thair haill force, substance and power, to fortifie, assist, and mantene vtheris with thair bodpis and gudis, and to concure and pas togidder at all tymes and to all places neidfull: not onlie for the defence of the said castell, toun, leigis, habitantis & substances pair of: but alsua for the maintenance, ayde and defence of our said Souerane his Authoritie Royall and Regent soirsaid, aganis all and sundrie, that sall pretend to Inuaid, molest or persew thame or any of thame. And to ayde and support vtheris with quhatsumeuir thingis necessarie in thair possessionis, or salbe possibill to thame to do, for the defence of vtheris, as neid sall requyre. And farther, that nouthir of thame sall bet, se, nor acknowledge the dampnage or hurt of vtheris in thair personis, landis or gudis, bot sall Incontinent warne vtheris thair of, with all haist possibill: let, stop, and mak impediment to the same, at thair vther power. And finally, sall nouthir contract, compone, tak appointment or mak aggreance by vtheris, but sall with thair haill poweris fortifie, defend and mantene vtheris in the causis abone writtin, but seinze or dissimulation, conceale and aganis all that leuis or do may, that sall happin to pretend to troubill or molest our said Souerane in his Authoritie Royall, his said Regent, assistaris and partakaris, this toun, castell, liegis, and haill Inhabitantis thair of, for the causis soirsaidis. In witness of the quhilk, to thir present letteris of Indentouris and contract subscrivit with our handis, our signet is affix at the said Burgh day zeir and place soirsaid, befoir thir witnessis Schir William Spensland of Lethingtoun younger knight, Maister James Makgill of Rankelour Rether, Clerk of Registrar, Maister Archibald Douglas person of that ilk, and David Forrest Generall with vtheris diuers.

W. Kirkcaldie.

Craigmillar knight.

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